

Kindly rewrite Claim 15 as follows:

15. (Thrice amended) A computer network, comprising:

- fixed sites having fixed-site domain names associated therewith;
- mobile sites having mobile-site domain names associated therewith;
- a communications infrastructure that couples ones of said pluralities of fixed and mobile sites for communication therebetween;
- an address parser that makes a determination of whether a site is one of said mobile sites or one of said fixed sites;
- a mirror site, couplable to said computer network, that contains a time-delayed copy of data present at said mobile site; and
- a communications manager that manages communication with said site based on said determination, said communications manager directing said communication, when said site is a mobile site, either to said mobile site when said mobile site is in wireless communication with said computer network or to said mirror site when said mobile site is out of wireless communication with said computer network.

REMARKS

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-21 in the application. The Applicant later canceled Claims 2, 9 and 16 and has herein again amended Claims 1, 8 and 15. Accordingly, Claims 1, 3-8, 10-15, and 17-21 are currently pending in the application.

I. Rejection of Claims 1, 3-8, 10-15, and 17-21 under 35 U.S.C. §103

The Examiner has rejected Claims 1-3, 5-10, 12-17, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Kenner, *et al.*, U.S. Patent No. 6,003,030 (“Kenner”) in view of Wada, *et al.*, U.S. Patent No. 5,845,079 (“Wada”).

Kenner is directed to the optimized storage and retrieval of video data at distributed sites throughout a computer network, such as the Internet. Kenner introduces the concept of “Smart Mirror” sites, each of which contain a copy of certain data that to which a user may wish to gain access. Each user preconfigures his terminal for subsequent downloads by conducting a fairly extensive analysis of network performance with respect to each “Smart Mirror” site. “Smart Mirror” sites are then prioritized based on this performance analysis, allowing a particular “Smart Mirror” site to be later selected to optimize downloading of the sought data. It is clear that Kenner’s fundamental emphasis and motivation is the efficiency of data transfer through a network.

As set forth in the response to the first examiner’s action in the parent application hereto, Wada teaches a mobile migration communication control device that is available to any apparatus on existing networks. Wada allows continuous communication between a mobile node and a node unaffected by the mobile node’s migration and also includes a migration post transmission unit.

Unfortunately, the combination of Kenner and Wada fails to teach or suggest all of the limitations of Claims 1, 8 or 15.

More specifically, Kenner does not teach (1) an address parser that makes a determination of whether a site is said mobile site or a fixed site, (2) a mirror site that contains a time-delayed copy of data present at the mobile site or (3) a communications manager that manages communication such that, when the site is a mobile site, either to the mobile site when the mobile site is in wireless communication with the computer network or to the mirror site when the mobile site is out of wireless communication with the computer network.

Kenner does not suggest determining whether a site is fixed or mobile, because Kenner cares only about its performance and would not care how it is physically embodied. Kenner does not suggest that a mirror contains a time-delayed copy, because Kenner deals with video clips. Kenner's underlying assumption is that the user merely wants a particular video clip and does not care from which site it may come. Kenner does not suggest downloading from the mirror site only when the mobile site is unavailable, because Kenner's emphasis is on speed. It is clear that Kenner would choose the faster of either the mobile or the mirror sites, irrespective of whether or not the mobile site is in wireless communication. If it were faster, Kenner would choose the mirror site every time, even though its copy is not as recent and even though the mobile site is in wireless communication.

Wada does not teach a communication manager that directs communication to the mobile site when the mobile site is available or to a mirror site of the mobile site when the mobile site is unavailable. Nor does Wada teach or suggest a mirror site couplable to a computer network. Wada provides no structure that would support mirroring.

Therefore, the combination of Kenner and Wada fails to teach or suggest all of the limitations of Claims 1, 8 and 15. Further, the combination of Kenner and Wada is deficient,

because Kenner provides no motivation to one having ordinary skill in the art as to manage a particular "Smart Mirror." Kenner does nothing more than test available mirror sites and prioritize them for subsequent downloads. Wada does not concern itself with mirroring, because constant communication with mobile sites is its overwhelming concern.

The Examiner has further added Adiwoso, *et al.*, (U.S. Patent No. 5,963,862) to the combination in crafting a rejection of Claims 4, 11 and 18. However, the Examiner cites Adiwoso only for the proposition that buffering is known. The Applicant agrees that buffering as a general concept is known, but buffering in the context of the management of mobile sites as recited in Claims 4, 11 and 18 is not known. Given the insufficiency of the combination of Kenner and Wada with respect to Claims 1, 8 and 15, the addition of Adiwoso with respect to Claims 4, 11 and 18 fails to compensate.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1, 3-8, 10-15, and 17-21 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

II. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1, 3-8, 10-15, and 17-21.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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